

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.-59. (Cancelled)

60. (Currently amended) An implant for placing between spinous processes, the implant comprising:

a body with a shaft extending there from, the shaft disposed along a longitudinal axis;

a spacer that is rotatably mounted on said shaft;

wherein the spacer is adapted to be inserted between the spinous processes in a direction along the longitudinal axis; and

said spacer including a compressible medium with a bore provided therethrough, with the shaft received in said bore, such that the spacer can rotate relative to said shaft, and wherein the compressible medium has a graduated stiffness.

61. (Original) The implant of claim 60 wherein said spacer is cylindrical in shape.

62. (Original) The implant of claim 60 wherein said spacer is elliptical in shape.

63. (Original) The implant of claim 60 wherein said spacer is oval in shape.

64. (Original) The implant of claim 60 wherein said space is egg-shaped.

65. (Original) The implant of claim 60 wherein said compressible medium is silicone.

66. (Original) The implant of claim 60 wherein said compressible medium is a higher molecular weight polymer.

67. (Original) The implant of claim 60 wherein the hardness of the compressible medium is graduated from less hard at a distance from the bore to more hard closer to the bore.

68.-96. (Cancelled)

97. (Original) The implant of claim 60 wherein the compressible medium is a thermoplastic elastomer.

98.-105. (Cancelled)

106. (Original) The implant of claim 60 wherein the compressible medium is polycarbonate urethane.

107. (Cancelled)

108. (Previously presented) The implant of claim 60 wherein a cross-section through the spacer is elliptical in shape.

109. (Previously presented) The implant of claim 60 wherein a cross-section through the spacer is circular in shape.

110. (Previously presented) The implant of claim 60 wherein a cross-section through the spacer is egg-shaped.

111. (Cancelled)

112. (Previously presented) The implant of claim 60 wherein the compressible medium is adapted to contact the spinous processes when the spacer is inserted between adjacent spinous processes.

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Examining Group 3733

113. (Previously presented) The implant of claim 60 wherein a cross-section of the spacer is oval in shape.

114. - 118. (Cancelled)